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February 22, 2000

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Application by SBC Communications, Inc. for Authorization Under Section 271 of the
Communications Act to Provide In-Region, InterLATA Service in the State of Texas,
CC Docket No. 00-04
00-41

Dear Ms. Salas:

On behalf of the Association of Directory Publishers, attached for filing are an original and six (6) copies of Reply Comments in opposition to SBC's Application. Also attached is a 3.5 computer diskette containing the Reply Comments.

Should you have any questions regarding this filing, please contact the undersigned at (202) 429-4730.

Sincerely,

Sophie J. Keefer

Sophie J. Keefer

Attachments

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Application by SBC Communications Inc.,
Southwestern Bell Telephone Company, and
Southwestern Bell Communications Services,
Inc. d/b/a Southwestern Bell Long Distance
for Provision of In-Region, InterLATA
Services in Texas

CC Docket No. 00-04

REPLY COMMENTS OF THE ASSOCIATION OF DIRECTORY PUBLISHERS

**THE ASSOCIATION OF DIRECTORY
PUBLISHERS**

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Its Attorneys

22 February 2000

SUMMARY

The Association of Directory Publishers ("ADP") is the international trade association which represents the interests of "independent" directory publishers, that is, directory publishers which compete against the directory publishing affiliates of the regional Bell operating companies and other incumbent local exchange carriers. According to the Comments of both ALTS and the CLEC Coalition, CLECs in Texas are experiencing problems with Southwestern Bell's process for making changes to their customers' listings, resulting in incorrect listings for these customers or omission of these listings from Southwestern Bell's listings databases. When CLECs' customers are listed incorrectly or left out of Southwestern Bell's databases, CLECs, independent directory publishers who obtain SLI from Southwestern Bell (including CLECs' SLI), and telephone subscribers are harmed. Therefore, ADP supports the Comments of ALTS and the CLEC Coalition concerning Southwestern Bell's demonstration of compliance with checklist item (viii) of Section 271(C)(2)(B) of the Telecommunications Act of 1996 relating to white pages directory listings. ADP agrees with ALTS and the CLEC Coalition that until Southwestern Bell can demonstrate compliance with this checklist item, it should not be granted in-region, InterLATA authority in Texas.

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)	
)	
Application by SBC Communications Inc.,)	CC Docket No. 00-04
Southwestern Bell Telephone Company, and)	
Southwestern Bell Communications Services,)	
Inc. d/b/a Southwestern Bell Long Distance)	
for Provision of In-Region, InterLATA)	
Services in Texas)	

REPLY COMMENTS OF THE ASSOCIATION OF DIRECTORY PUBLISHERS

The Association of Directory Publishers ("ADP"), by its attorneys, hereby submits its Reply Comments in the above captioned proceeding.¹ Specifically, ADP supports the Comments of the Association for Local Telecommunications Services ("ALTS") and the CLEC Coalition concerning Southwestern Bell Telephone Company's ("Southwestern Bell") demonstration of compliance with checklist item (viii) of Section 271(C)(2)(B) of the Telecommunications Act of 1996 (the "Act") relating to white pages directory listings. ADP agrees with ALTS and the CLEC Coalition that until Southwestern Bell can demonstrate compliance with this checklist item, it should not be granted in-region, InterLATA authority in Texas.

¹ Application by SBC Communications, Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Authorization to Provide In-Region, InterLATA Services in Texas, CC Docket No. 00-04, Public Notice DA 00-37 (rel. Jan. 10, 2000)("Application").

I. BACKGROUND.

ADP is the international trade association founded in 1898 to promote the establishment and maintenance of the highest standard of quality and service in directory publishing. ADP represents the interests of "independent" telephone directory publishers, that is, publishers of white and yellow pages telephone directories that compete with the regional Bell operating companies ("RBOCs") and other incumbent local exchange carriers ("ILECs") in the sale of telephone directory advertising (primarily yellow pages classified advertising). ADP's membership includes more than 170 directory publishers who produce telephone directories throughout the United States. ADP members produce over 2,000 titles annually, printing and distributing some 70,000,000 copies each year, and support thousands of employees and hundreds of suppliers.

It is ADP's belief that fully competitive provision of telephone directory services will complement and reinforce local telephone service competition. For example, competitive local exchange carriers may chose to offer branded directories to complement and promote their telephone services. And competing directory publishers are likely to offer consumers a variety of user-friendly directory services designed to make the increasing variety of telephone service providers and options more accessible and understandable. In order to produce quality directories, ADP's members must have access to complete, accurate, and up-to-date subscriber list information ("SLI") for all subscribers of telecommunications carriers operating in a given directory coverage area.²

² In re Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Third Report and Order, 14 FCC Rcd. 15550, at ¶ 86 (1999) ("SLI Third Report and Order").

The Commission has recognized that "because LECs obtain subscriber list information quite easily during the order-taking process for telephone exchange service, they have immediate and total access to a uniquely complete and current body of listing information for their customers."³ Moreover, by virtue of an RBOC's "dominant position in the local exchange and exchange access markets" in its region, the RBOC's "directory assistance databases include the telephone numbers of [the RBOC's] customers as well as telephone numbers of the customers of independent LECs and competitive LECs operating in [the RBOC's] region."⁴ The same is true of the RBOC's databases for SLI, which are derived from the same source -- service order activity -- as the directory assistance databases. Indeed, Southwestern Bell states in an attachment to its Application that white pages listings for CLEC end users served via resold lines, unbundled local switching, and the CLEC's own facilities are all contained in Southwestern Bell's white pages database.⁵ Southwestern Bell also states that it will transmit CLECs' SLI, along with its own SLI, to third-party directory publishers at the CLECs' request.⁶ Because this represents the most efficient means of ensuring that the subscribers of all telecommunications carriers with customers in a given region appear in a directory covering that region, most independent directory publishers operating in Southwestern Bell's region obtain CLECs' SLI through Southwestern Bell.⁷

³ Id. (citations omitted).

⁴ In re Petition of US WEST Communications, Inc. for a Declaratory Ruling Regarding Provision of National Directory Assistance, Memorandum Opinion and Order, 14 FCC Rcd. 16252, at ¶ 35 (1999).

⁵ Affidavit of Jan D. Rogers, at ¶¶ 51-54.

⁶ Application, at 126; Affidavit of Jan D. Rogers, at ¶ 54.

⁷ It should be noted that although the SLI Third Report and Order states that "the obligation under Section 222(e) to provide a particular telephone subscriber's subscriber list information extends only to the carrier that provides that subscriber with telephone exchange service," this provision "does not preclude an incumbent LEC from acting as a

II. DISCUSSION.

Section 271(c)(2)(B)(viii) of the Act states that access or interconnection provided or generally offered by a Bell operating company to other telecommunications carriers must include "[w]hite pages directory listings for customers of other carrier's telephone exchange service."⁸ This checklist item is intended to ensure that white pages listings for customers of competitive carriers, as well as customers of the Bell operating companies, are accurate and reliable, notwithstanding the identify of the customer's telephone service provider.⁹

ADP was discouraged to learn that, in Texas, CLECs have experienced problems in obtaining complete, accurate, and up-to-date white pages listings from Southwestern Bell and that no performance measure captures this problem. According to the Comments of both ALTS and the CLEC Coalition, CLECs in Texas are experiencing problems with Southwestern Bell's process for making changes to their customers' listings.¹⁰ For example, CLECs have been unable to make customer-requested changes to their listings, which may result in an incorrect listing appearing in published directories.¹¹ Also, some CLECs' listings reportedly have been dropped out of

(continued)

clearinghouse for providing subscriber list information to directory publishers." SLI Third Report and Order, at ¶ 55. Indeed, it is ADP's position that if an incumbent LEC provides CLECs' SLI to its own directory publishing affiliate, nondiscrimination principles compel it to provide these data to requesting independent directory publishers as well. See 47 U.S.C. § 202(a).

⁸ 47 C.F.R. § 271(c)(2)(B)(viii).

⁹ In re Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York, Memorandum Opinion and Order, FCC 99-404, at ¶ 359 (rel. Dec. 22, 1999).

¹⁰ ALTS Comments, at 45-46; CLEC Coalition Comments, at 43-44.

¹¹ CLEC Coalition Comments, at 43.

Southwestern Bell's database.¹² When CLECs' customers are listed incorrectly or left out of Southwestern Bell's databases, CLECs, independent directory publishers who obtain SLI from Southwestern Bell (including CLECs' SLI), and telephone subscribers are harmed. CLECs are harmed because their customers blame them for errors or omissions in telephone directories, even though the CLECs are not at fault. As a result, CLECs will lose customers and will be unable to regain them. Independent directory publishers are harmed because their books are less accurate, resulting in consumer dissatisfaction and, ultimately, loss of advertising revenue. Consumers are harmed because less competition means that they will be offered fewer choices with respect to local telephone service and white and yellow pages directories. Therefore, ADP agrees with ALTS and the CLEC Coalition that Southwestern Bell must demonstrate full compliance with checklist item (viii) before the Commission may grant its application for in-region, InterLATA authority in Texas.

¹² Id.

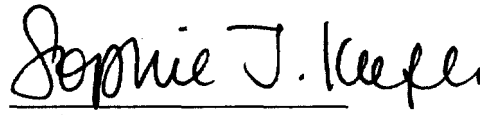
III. CONCLUSION.

ADP respectfully urges the FCC to deny Southwestern Bell's application for in-region, InterLATA authority in Texas until Southwestern Bell has demonstrated full compliance with checklist item (viii).

Respectfully submitted,

**THE ASSOCIATION OF
DIRECTORY PUBLISHERS**

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22 February 2000

CERTIFICATE OF SERVICE

I, Sophie J. Keefer, do hereby certify that on this 22nd day of February, 2000, copies of the foregoing Reply of the Association of Directory Publishers on Southwestern Bell Telephone Company's Section 271 Application, CC Docket No. 00-04, were mailed, first class postage prepaid, unless otherwise indicated, to the following parties:

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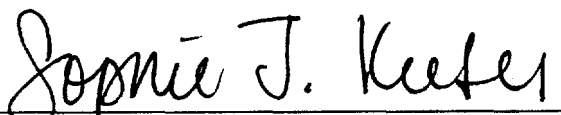
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